

From: [Guerrero, Carmen](#)
To: [Font, Jose](#); [Rivera, Jose](#); [Melendez-Colon, Suzette](#); [Velez, Hector](#); [Rodriguez, Nancy](#)
Subject: FW: Community Request to Visit The Cliff and Cueva de las Golondrinas
Date: Monday, January 23, 2023 5:56:24 PM
Attachments: [RES. INT. NUM. 7 SERIE 2022-2023.PDF](#)

FYI...

From: Garcia, Lisa <Garcia.Lisa@epa.gov>
Sent: Monday, January 23, 2023 5:10 PM
To: Guerrero, Carmen <guerrero.carmen@epa.gov>; Font, Jose <Font.Jose@epa.gov>
Cc: Reyes, Brenda <Reyes.Brenda@epa.gov>
Subject: FW: Community Request to Visit The Cliff and Cueva de las Golondrinas

FYI

From: Soraya M. Sesto-Martínez [REDACTED]
Sent: Saturday, January 21, 2023 10:14 PM
To: Garcia, Lisa <[Garcia.Lisa@epa.gov](#)>
Subject: Community Request to Visit The Cliff and Cueva de las Golondrinas

Dear Ms. García,

Salva Aguadilla, a community based environmental protection organization, respectfully and earnestly requests your presence on The Cliff and Cueva de las Golondrinas site during your visit to Puerto Rico during the following week of January 23. We understand that your agenda must be booked, but the extent of the damage and wrongdoing this area has sustained since 2018 and the limited actions the EPA has taken to protect, intervene, impose penalties, and seek relief in court, warrant your visit to have a first hand understanding of the depth and breadth of the situation. Currently, no other proposed construction has inflicted more damage and is creating more concern than this one at The Cliff and Cueva de las Golondrinas. It is affecting all areas of your jurisdiction, as well as other Federal Agencies, such as U.S. Fish and Wildlife, which has taken no action to date.

To summarize:

- **The community is conducting daily monitoring of the area. It is visually evident that water discharge is eroding the mounds of dirt accumulated from the illegal destruction of the limestone hills or 'mogotes'.**
- According to communications from EPA to Congresswoman's Nydia Velazquez Office, the agency claims to be closely monitoring the situation with the Cueva de las Golondrinas, Cave of the Swallows: **The EPA is not closely monitoring the situation since it is evident that the control measures requested by the agency are only complied when the community brings the lack of compliance to social media.**
- Based on this EPA's response to the congresswoman, the community **requests to know how EPA has documented the illicit activities? Is the agency allowing the developer to self-report?**
- **Summary of illegalities or violations:**

1. The developer has not complied with the demolition order for Cueva de las Golondrinas issued by both the DRNA and the Municipality of Aguadilla. Congresswoman Velazquez has referred to this situation in various recent tweets.
 2. The developer has removed earth crust from a sizable piece of land without authorization. The project's Soil Study was not part of the government permit file until July 11, 2022, three years after earthworks began. The Soil Survey, although limited in scope and inappropriate for a project of this magnitude, recommended a geotechnical investigation of the fragile and karst terrain that was not carried out.
 3. The developer has continued to destroy the irreplaceable habitat of mogotes that are on the property.
 4. The developer has cut down most of the trees on the cliff, including those in which brown pelicans nested, in violation of the Federal Migratory Bird Act.
 5. The developer has invaded three private properties: the Puerto Rico Railroad, Inversiones Vilmasor, and property belonging to Engineer Abraham Hernandez.
 6. The developer has not complied with the communication of Cease and Desist issued by the Puerto Rico Railroad last September 2022.
 7. The developer has not complied with the 20-meter withdrawal required by the DRNA for the protection of the cliff and is destroying caves in the area of the cliff.
 8. The developer never submitted a Phase 1A Report to the Institute of Culture and therefore this agency did not endorse the project with the required.
 9. The developer is throwing construction debris into the sea in violation of the Clean Water Act.
 10. The developer has installed a paddock on the Cueva de las Golondrinas whose waste percolates to the karst ground just above the Cueva de las Golondrinas.
- The developer-s companies, Grupo Caribe, LLC and The Cliff Corp. submitted an amended Stormwater Pollution Prevention Plan, in response to the compliance order issued by the EPA on June 27 (This document was shared): **Dead letter. The developer has submitted documents that do not reflect the reality of the terrain. The situation in the area has worsened since erosion of land mounds is clearly evident.**
 - The companies also submitted an Action Plan to comply with the order (This document was not shared): **Can you arrange for the Representative's office to request this Action Plan?**
 - EPA informed Congresswoman Velazquez is reviewing these documents to determine the level of compliance and outline next steps. And so we ask: **What steps has EPA proposed?**

EPA's response to the Congresswoman's request for action does not reflect the reality on the ground as evidenced by the notes shared above. Most importantly, this project needed a DIA (Environmental Impact Statement) that it doesn't have. The project as designed is NOT legal and cannot continue. The permits granted were given without the necessary documents. The information given by the developer is false or incomplete.

Given this, the community has requested an investigation of the illegalities committed during the past three years. Representative Mariana Nogales filed an RC 830 for the House to conduct this investigation. On November 14, 2022, this resolution was approved by voice. This investigation should be conducted expeditiously in the next legislative session, but the Natural Resources

Committee has not scheduled the investigation for the next legislative session since it deems to topic has 'low priority'. Senator Ada García requested information from the agencies: Planning Board, Natural Resources, Institute of Culture, etc. In its response, the Planning Board indicates that its work has been delegated to the Municipality of Aguadilla as an Autonomous Municipality. Meanwhile, the Municipality of Aguadilla says it cannot act to revoke the permits because it fears legal action from the developer. In its response the DRNA issues a devastating report against the developer, but the Secretary is not willing to act. Senator Garcia summoned the Secretary of Natural Resources to a briefing on the claims, and the Secretary did not explain why the agency did not enforce its own Demolition Order or the withdrawal that the DRNA demanded of the developer. The Secretary was unwilling to pledge action during the meeting with the community representatives.

I attach the resolution of the Municipal Assembly of Aguadilla (non-binding) expressing its opposition to projects that affect the Natural Resources of Aguadilla and in particular its opposition to these projects on the Cueva de las Golondrinas.

Meanwhile, the ecosystem is destroyed and valuable natural resources (mogotes, caves and cliffs, as well as wildlife) and heritage of Puerto Rico (such as the train track that has been destroyed by the developer in this area) are lost.

We, therefore, respectfully request your visit to the site in an urgent fashion. Time is of the essence. Every day the Cave of the Swallows and its birds die. Every day the sedimentation and its impact on corals is worse. Every day there are fewer brown pelicans because of the destruction of the nests. We are informed that of about 300 pelicans about 50 are observed that remain in the area. Every day they are destroying the mogotes with a mechanical hammer.

Expecting a reply, we thank you in advance,

Jorge Sepulveda
Hector Varela
Robert Rafols
Melanie Sanchez
Kathy Hall
Soraya Sesto

From: Roman, Rachel <Rachel.Roman@mail.house.gov>

Sent: Thursday, October 20, 2022 5:21 PM

To: Soraya M. Sesto-Martínez <[REDACTED]>; [REDACTED]; [REDACTED]

Subject: RE: Carta EPA

Saludos Soraya y Jorge,

Disculpen la demora. En la respuesta de la EPA, nos indican lo siguiente:

- Aseguran estar monitoreando de cerca la situación con la Cueva de las Golondrinas.
- Confirman que se han documentado actividades ilícitas de construcción en el área.
- Confirman que las compañías Grupo Caribe, LLC y The Cliff Corp. sometieron un Plan de Prevención de Contaminación de Aguas Pluviales enmendado, como respuesta a la orden de cumplimiento emitida por la EPA el pasado 27 de junio (Este documento fue compartido).
- Las empresas además sometieron un Plan de Acción para cumplir con la orden (Este documento no fue compartido).
- Confirman que la EPA está revisando dichos documentos para determinar el nivel de cumplimiento y delinear próximos pasos.

Déjenos saber cómo sigue la situación en el terreno, y qué creen de esta respuesta por parte de la EPA. Por otro lado, ¿tienen alguna recomendación de alguien que pueda analizar el Plan de Prevención para determinar si es adecuado? Tiene unas 57 páginas.

Cordialmente,
Rachel

From: Soraya M. Sesto-Martínez <[REDACTED]>
Sent: Tuesday, October 11, 2022 11:06 AM
To: Roman, Rachel <Rachel.Roman@mail.house.gov>
Subject: Re: carta EPA

Gracias mil, quedo pendiente.

Sent from my iPhone

On Oct 11, 2022, at 11:03 AM, Roman, Rachel <Rachel.Roman@mail.house.gov> wrote:

Saludos,

¡Estoy muy bien, espero que tú igual!

La carta salió y ya la EPA nos respondió. Estaré revisando las respuestas en esta semana y les dejaré saber.

Cordialmente,
Rachel

From: Soraya M. Sesto-Martínez <[REDACTED]>

Sent: Tuesday, October 4, 2022 3:19 PM

To: Roman, Rachel <Rachel.Roman@mail.house.gov>

Subject: Re: carta EPA

Hola Rachel, Saludos... espero que estés bien!!... la última vez que hablamos me comentaste que el lunes después del Paso de Fiona saldría la carta de tu oficina para la EPA. Déjame saber si fue enviada.

Gracias mil,

Soraya Sesto

Sent from my iPhone

On Sep 19, 2022, at 2:53 PM, Soraya M. Sesto-Martínez

<[REDACTED]> wrote:

Hola Melanie, primero que nada, espero en Dios que todos estén bien luego del paso de Fiona.

Lee abajo el correo de Rachel indicando que lo que tenemos hay que enviarlo al contacto que ella compartió en la reunión que se llevó a cabo.

Preparaste la cronología que les hicimos llegar. Tenemos el vídeo de la golondrina muerta y el Live de Robert Rafols del pelícano que fue herido en The Cliff. A eso añadimos la declaración jurada sobre el incidente que presencié Robert Rafols el momento en que cortaron los árboles del farallón con los anidajes.

Melanie, ¿podrás enviar esto al contacto que indicó Rachel? O dime si te falta algo de lo que menciono arriba. Todo lo he compartido en nuestro grupo de Whatsapp incluyendo la Declaración Jurada que hizo Robert Rafols la semana pasada.

From: Roman, Rachel <Rachel.Roman@mail.house.gov>

Sent: Monday, September 19, 2022 9:03 AM

To: Soraya M. Sesto-Martínez <[REDACTED]>

Subject: Re: Declaración jurada - Sworn Statement Environmental Crimes perpetrated by Developer of The Cliff

Buen día,

Les mencioné en la última reunión que el mejor curso de acción con US Wildlife era enviar las fotos y videos a la información de contacto que

ellos mismos nos enviaron y que compartí con ustedes. ¿Lograron hacer esta gestión?

Es ideal que agotemos todos los recursos antes de proceder con una carta.

Gracias,
Rachel

On Sep 18, 2022, at 9:18 AM, Soraya M. Sesto-Martínez
<[REDACTED]> wrote:

Gracias, Rachel.

¿ Procederán también a comunicarse con Fish And Wildlife?

Sent from my iPhone

On Sep 17, 2022, at 8:24 PM, Roman, Rachel
<Rachel.Roman@mail.house.gov> wrote:

Saludos,

Nuestra carta a la EPA sale este lunes.

Rachel

On Sep 17, 2022, at 11:47 AM,
Soraya M. Sesto-Martínez
<[REDACTED]>
wrote:

Saludos Rachel, adjunto la declaración jurada preparada por el señor Robert Rafols en cuanto a los crímenes ambientales (en contra del pelicano Pardo y hábitat) de los que ha sido testigo en el proyecto The Cliff.

Déjanos saber cómo vamos con carta a Fish and Wildlife y referencia a Justicia Federal.

Sent from my iPhone